

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CR-21-21-R
)	
JAMIE SCOTT WILSON, and)	
MARY ELIZABETH SANCHEZ,)	
)	
Defendants.)	

ORDER

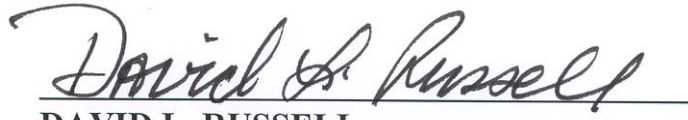
Before the Court is Defendant Jamie Scott Wilson and Mary Elizabeth Sanchez’s (“Defendants”) “Motion to Declare Mandatory Minimum Sentences Unconstitutional and Brief in Support.”¹ Doc. Nos. 89, 106. The Government responded in opposition in Doc. No. 120. The Court finds as follows.

The Supreme Court has long held that “defining crimes and fixing penalties are legislative, not judicial functions.” *United States v. Evans*, 333 U.S. 483, 486 (1948). Defendants cite *United States v. Booker*, 543 U.S. 220 (2005) for the proposition that the Defendants’ mandatory minimum sentence is unconstitutional. Doc. No. 89, p. 2. However, the Tenth Circuit has repeatedly upheld mandatory minimum sentences as constitutional. *See, e.g., United States v. Johnson*, 152 F. App’x 709, 711 (10th Cir. 2005) (“*Booker* does not affect the validity of a mandatory minimum sentence”) (citing *United States v. Williams*, 403 F.3d 1188, 1202 (10th Cir. 2005) (Murphy, J., concurring and dissenting))

¹ In Doc. No. 89, Defendant Wilson filed a substantive motion, and in Doc. No. 106, Defendant Sanchez moved to join Defendant Wilson’s motion.

(concluding that mandatory minimums are “unaffected” by *Booker*)). Accordingly, the Defendants’ motion is unsupported and is hereby DENIED.

IT IS SO ORDERED on this 27th day of May 2021.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE